

Senate Bill 13

By: Senators Rogers of the 21st, Seabaugh of the 28th, Mullis of the 53rd, Hill of the 32nd and Moody of the 56th

AS PASSED

AN ACT

To amend Code Section 10-1-393 of the Official Code of Georgia Annotated, relating to unfair or deceptive practices in consumer transactions, so as to provide a short title; to provide for definitions; to provide that the terms of gift certificates, store gift cards, and general use gift cards shall be disclosed at the time of purchase and through certain notifications; to provide for related matters; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Gift Card Integrity Act of 2005."

SECTION 2.

Code Section 10-1-393 of the Official Code of Georgia Annotated, relating to unfair or deceptive practices in consumer transactions, is amended by striking the word "or" at the end of paragraph (31) of subsection (b), striking the period and inserting "; or" at the end of paragraph (32) of subsection (b), and adding a new paragraph (33) to subsection (b) to read as follows:

(33)(A) For any person, firm, partnership, association, or corporation to issue a gift certificate, store gift card, or general use gift card without:

- (i) Including the terms of the gift certificate, store gift card, or general use gift card in the packaging which accompanies the certificate or card at the time of purchase, as well as making such terms available upon request; and
- (ii) Conspicuously printing the expiration date, if applicable, on the certificate or card and conspicuously printing the amount of any dormancy or nonuse fees on:
 - (I) The certificate or card; or
 - (II) A sticker affixed to the certificate or card.

A gift certificate, store gift card, or general use gift card shall be valid in accordance with its terms in exchange for merchandise or services.

(B) As used in this paragraph, the term:

- (i) 'General use gift card' means a plastic card or other electronic payment device which is usable at multiple, unaffiliated merchants or service providers; is issued in an amount which amount may or may not be, at the option of the issuer, increased in value or reloaded if requested by the holder; is purchased or loaded on a prepaid basis by a consumer; and is honored upon presentation by merchants for goods or services.
- (ii) 'Gift certificate' means a written promise that is usable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo; is issued in a specified amount and cannot be increased in value on the face thereof; is purchased on a prepaid basis by a consumer in exchange for payment; and is honored upon presentation for goods or services by such single merchant or affiliated group of merchants that share the same name, mark, or logo.
- (iii) 'Store gift card' means a plastic card or other electronic payment device which is usable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo; is issued in a specified amount and may or may not be increased in value or reloaded; is purchased on a prepaid basis by a consumer in exchange for payment; and is honored upon presentation for goods or services by such single merchant or affiliated group of merchants that share the same name, mark, or logo.

SECTION 3.

This Act shall become effective on October 1, 2005, and shall apply to any gift certificates, store gift cards, or general use gift cards sold on or after such date.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.